

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NIDA SMITH,

Plaintiff,

v.

WMC MORTGAGE, et al.,

Defendants.

2:10-CV-735 JCM (RJJ)

**ORDER**

Presently before the court is plaintiff Nida Smith's motion for reconsideration of this court's order denying plaintiff's motion for a preliminary injunction and temporary restraining order. (Doc. #7).

Although plaintiffs request the court to enter a preliminary injunction order against defendants, plaintiffs fail to inform the court exactly what they seek to enjoin defendants from doing. However, a preliminary injunction order is still not appropriate even if the court assumes plaintiffs seek to enjoin defendants from foreclosing on their property.

Plaintiffs seek to enjoin defendants from enforcing any foreclosure or eviction actions on her property while this case is pending. This court denied plaintiff's motions for preliminary injunction and temporary restraining order on June 15, 2010. In this motion, plaintiff cites Federal Rule of Civil Procedure 60(b)(6), which permits a court to provide "relief from a final judgment, order, or proceeding."

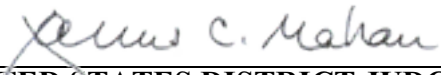
This court finds plaintiff's motion provides no basis for the court to reconsider its order. Plaintiff presents no new relevant evidence that would merit a different outcome to plaintiff's

1 motions for preliminary injunction or temporary restraining order. Although the court notes that  
2 eviction has not occurred, the foreclosure sale has and plaintiff no longer holds title to the property.  
3 It is not in the public interest for the court to use its equitable powers to allow citizens to remain in  
4 homes they no longer own. Accordingly, a preliminary injunction or temporary restraining order  
5 would still be inappropriate.

6 Therefore,

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff Nida Smith's  
8 motion for reconsideration (Doc. #7) be, and the same hereby is, DENIED.

9 DATED August 2, 2010.

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11   
12 UNITED STATES DISTRICT JUDGE